

**Amendments to the Drawings:**

The attached sheets of drawings include changes to Figures 28-32. Figures 28-31 have been amended to add a reference numeral 218 to indicate the bottom wall of slots 211.

Attachment: Replacement Sheets 24 and 25 of 27

Annotated Sheets 24 and 25 of 27 Showing Changes

### **Remarks/Argument**

In the specification paragraphs [0095] and [0096] have been amended to provide a reference numeral for the bottom wall 218 of slots 211 of slot track 210. The drawings as filed and the claims as filed clearly show and recite a bottom wall. Figures 28, 29, 30 and 31 have been amended to add reference numeral 218. Applicants respectfully submit that the amendments to paragraph [0095] and [0096] and Figures 28 - 31 clarify the description of the slot track and the portion of the slot track referred to as the bottom wall. Applicants respectfully submit that no new matter is added, or intended to be added, to paragraphs [0095] and [0096] or Figures 28-31.

Applicants respectfully submit that the Abstract as filed is a proper abstract of the disclosure.

Claims 1-4, 6 and 8-17 remain in this application. Claims 5 and 7 have been canceled. Claims 18-20 are listed as withdrawn, but should remain in this application for the reasons set forth below. Claims 21-46 have been withdrawn.

### **The Election/Restriction**

Applicants respectfully submit that claims 18-20 should remain in this application inasmuch as in the Office Action dated May 23, 2006 the Examiner indicated that "restriction between the species is not proper since there are no claims present which read on figures other than the species of Figures 28-31, 33 and 34. Thus, at this time, the requirement drawn to the different species is hereby withdrawn and hence applicant has not elected any species." Therefore, applicants respectfully submit that the only election applicants have made is election of claims 1-20. Applicants reserve the right to present claims 21-46 in a divisional application. If the Examiner does not reconsider and include claims 18-20 in this application for the reasons set forth above, applicants reserve the right to present claims 18-20 in a divisional application.

Claims 1, 6, 8 and 9 are currently amended. Claim 1 has been amended to correct the typographical error noted by the Examiner.

### **The 35 USC §112 Rejections**

Claims 1 and 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 has been amended to clarify that adjacent slots 211, each having at least one undercut sidewall 214, form a slat 212 having a face with edges 213 defined by the slots. The bottom wall 218 is the bottom of the slot as shown in Figures 28-31 and is generally parallel to the face of slat 212. Applicants respectfully submit that while either adjacent or adjoining could be used to describe the relative position of two slots forming a slat, claim 1 has been amended to change adjoining to adjacent as proposed by the Examiner. Applicant respectfully submits that claim 1 as amended clearly describes the relationship of the elements of the slot track.

Claim 9 has been amended to depend on claim 3 and to positively claim a device removably supported on two or more slot tracks. Applicants respectfully submit that the amendment of claim 9 to positively claim a device in combination with two or more slot tracks resolves the issues identified by the Examiner with respect to claims 13-16.

### **The 35 USC §102 Rejections**

Claims 1-4 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,629,076 (Amstutz et al). The rejection is respectfully traversed. Claim 1 has been amended as set forth above and to incorporate the limitations previously presented in dependent claim 5.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. Of California*, 814 F.2d 628, 631,2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the ...

claim." *Richardson v. Suzuki Motor, Co.*, 868 F.2d 1226, 1236, 9 USPQ2d, 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim." MPEP §2131.

Amstutz et al disclose a slatboard that includes a baseboard 12 having a plurality of T-shaped slats 14 that define T-shaped slots 16, see col. 2, lines 55-58. Each slot includes a rear wall 35 of slot 16, see col. 3, line 20. Further, Amstutz et al disclose that the slots 16 enables "... both "groove wall" hardware, such as hanger 20, or "traditional slatboard" hardware, such as hanger 22, to be suspended therefrom", col. 2, lines 59-61.

Applicants respectfully submit that Amstutz et al does not disclose (hangers 20 and 22) "... at least one removable mounting bracket comprising ... a first "J" shaped hook on one edge of the support portion opening in a first direction to hook over an edge of the slat into the undercut sidewall; and a second "J" shaped hook on an opposite edge of the support portion opening in the first direction to hook over the edge of the adjacent slot into the undercut sidewall; wherein each of the first and second "J" shaped hooks have a first leg extending in a direction generally perpendicular from an edge of the support portion and a second leg extending from the distal end of the first leg in a direction generally parallel to the support portion", (emphasis added) as set forth in claim 1 as currently amended.

Since each and every element of applicants' invention as set forth in claim 1, and accordingly dependent claims 2-4 and 17 is not supported by the art as set forth above, applicants respectfully submit the rejection of claims 1-4 and 17 as being anticipated by Amstutz et al is defective and should be withdrawn.

Claims 1-3 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,944,294 (Baer). The rejection is respectfully traversed. Claim 1 has been amended as set forth above and to incorporate the limitations previously presented in dependent claim 5.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. Of California*, 814 F.2d 628, 631,2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the ...

claim." *Richardson v. Suzuki Motor, Co.*, 868 F.2d 1226, 1236, 9 USPQ2d, 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim." MPEP §2131.

Baer discloses a wallboard panel 11 having segmented surfaces 13 defining a series of spaced parallel slots 15, see col. 2, lines 20-32. Baer further discloses a "... device 10 is preferably in the form of a generally "C"-shaped clip which may be formed as a stamping from sheet metallic stock. It includes a rectangular planar main body 30, an upper hook-shaped member 31, and a lower resilient member 32", see col. 2, lines 38-43.

Applicants respectfully submit that Baer does not disclose "... at least one removable mounting bracket comprising ... a first "J" shaped hook on one edge of the support portion opening in a first direction to hook over an edge of the slat into the undercut sidewall; and a second "J" shaped hook on an opposite edge of the support portion opening in the first direction to hook over the edge of the adjacent slot into the undercut sidewall; wherein each of the first and second "J" shaped hooks have a first leg extending in a direction generally perpendicular from an edge of the support portion and a second leg extending from the distal end of the first leg in a direction generally parallel to the support portion", (emphasis added) as set forth in claim 1 as currently amended.

Since each and every element of applicants' invention as set forth in claim 1, and accordingly in 2-3 and 17 is not supported by the art as set forth above applicants respectfully submit the rejection of claims 1-3 and 17 as being anticipated by Baer et al is defective and should be withdrawn.

### The 35 USC §103 Rejections

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amstutz et al al as applied to claims 1-4 and 17 above, and further in view of U.S. Patent No. 5,390,462 (Kreiter). The rejection is respectfully traversed. The limitations of claim 5 have been incorporated in claim 1 and claim 5 has been canceled. Claim 6 has been amended to depend on claim 1.

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference

or to combine reference teachings. Second, there must be some reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure". *In re Vacek*, 947, F. 2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2142.

The Examiner stated that Amstutz et al disclose the system as advanced above. The Examiner also noted that the claims differ from Amstutz et al with regard to the limitations set forth in claims 5 and 6. For all the reasons set forth above with respect to claim 1, and as acknowledged by the Examiner, Amstutz et al fails to disclose or suggest a slot track storage system as now set forth in claim 1 and 6 as amended. Applicants' arguments regarding Amstutz et al with respect to claims 1-4 and 17 are repeated and incorporated by reference in full with respect to claim 6.

Kreiter discloses "... removable cover strips and removable groove inserts ... that can be snapped onto or into the slat-wall and snapped off or out of the slat-wall ... that ... still permit the use of display hardware on the slat-wall ...", see col. 2, lines 12-22. Kreiter discloses "... a removable cover strip (or cover) 30", col. 4, lines 23-25; and "... two alternate removable cover strips 141 and 150", col. 8, line 62. Applicants respectfully submit that the removable cover strips cited by the Examiner are just that, cover strips that are not intended to and can not function as a mounting bracket since, as set forth in Kreiter, the removable cover strips "still permit the use of display hardware on the slat-wall". Kreiter simply does not disclose or suggest a slot track storage system but rather a removable decorative cover.

The first criteria to establish *prima facie* obviousness is not satisfied since there is no suggestion in Amstutz et al or Kreiter to combine the references. Applicants respectfully submit that Amstutz et al disclose "groove wall" and "traditional slatboard" hardware. Kreiter discloses removable slat-wall covers that can be used with display hardware on the slat-wall. Absent applicant's disclosure there is nothing to suggest combining the configuration of Kreiter's removable covers with the hardware disclosed by Amstutz et al since Kreiter clearly discloses that display hardware, i.e. hardware disclosed by Amstutz et al, can be used with Kreiter's removable covers. No modification of Amstutz et al is necessary

or suggested. Accordingly the combination fails to satisfy the first criteria required to establish *prima facie* obviousness.

The third criteria to establish *prima facie* obviousness is likewise not satisfied since Amstutz et al and Kreiter taken alone or in combination simply do not disclose or suggest all of the elements of claim 6, including claim 1 on which claim 6 now depends for all the reasons set forth above. Accordingly, applicants respectfully submit that *prima facie* obviousness is not established since the first criteria and the third criteria required to establish *prima facie* are not satisfied. Accordingly, applicants respectfully submit that the rejection of claim 6 (as well as claim 1 which now includes the limitations of claim 5 as originally presented) as being unpatentable over Amstutz et al in view of Kreiter is defective for failing to establish *prima facie* obviousness of claim 6, as well as claim 1 on which claim 6 now depends, and should be withdrawn.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amstutz et al as applied to claims 1-4 and 17 above, and further in view of U.S. Patent No. 4,694,965 (Parnell). The rejection is respectfully traversed. Claim 8 has been amended and incorporates the limitations of claim 7 on which claim 8 originally depended. Claim 8 now depends on claim 1. Claim 7 has been canceled. Claim 1 on which claim 8 depends has been amended as set forth above.

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be some reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure”. *In re Vacek*, 947, F. 2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2142.

The Examiner stated that Amstutz et al disclose the system as advanced above. The Examiner also noted that the claims differ from Amstutz et al with regard to the limitations

set forth in claims 7 and 8. For all the reasons set forth above with respect to claim 1, Amstutz et al fails to disclose or suggest a slot track storage system as now set forth in claim 1 as amended. Applicants' arguments regarding Amstutz et al with respect to claims 1-4 and 17 are repeated and incorporated by reference in full with respect to claim 8. Further, and as acknowledged by the Examiner, Amstutz et al fail to disclose a slot track as set forth in claim 8.

Parnell discloses modular panels for a display apparatus that include "... a wide space or gap is provided between the upright legs 46a-n and the second webs 42a-n ... In addition, the elongated leg 50a-n connected to the uppermost front flanges ... are formed at the same angle as the first webs 42a-n .... As a result, when adjoining panels 22a and 22b, for example, are mounted to one another by interconnecting legs 46a and 50b, a channel 44 is formed between the elongated leg 50b of panel 22b and the second web 42a of the lowermost back flange 46a of panel 22a which is identical to the other channels 44 on the front face of each panel 22a-n. In this manner, the assembled display apparatus 10 forms joints interconnecting the modular panels 22a-n along their longitudinal edges which are hidden from view", (emphasis added) see col. 6, lines 1-17. Applicants respectfully submit that the surfaces indicated by the Examiner are surfaces utilized in connecting adjacent panels and does not disclose or suggest a slot track with "... top and bottom edges that are tapered from the front surface toward the rear surface" as set forth in claim 8 as amended.

The first criteria to establish *prima facie* obviousness is not satisfied since there is no suggestion in Amstutz et al or Parnell to combine the references. Applicants respectfully submit that Amstutz et al disclose a slatboard for use with "groove wall" and "traditional slatboard" hardware. Parnell discloses modular panels for a display apparatus that include surfaces to interconnect adjoining panels with joints that are hidden from view. Absent applicant's disclosure there is nothing to suggest combining the configuration of Parnell's modular panels with the slatboard disclosed by Amstutz et al since Parnell discloses an alternate structure to the slatboard disclosed by Amstutz et al, and accordingly there is no suggestion or teaching to combine the structures since they provide different arrangements to provide the same functionality, namely, a slotwall panel. No modification of Amstutz et al is necessary or suggested. Accordingly the combination fails to satisfy the first criteria required to establish *prima facie* obviousness.

The third criteria to establish *prima facie* obviousness is likewise not satisfied since Amstutz et al and Parnell taken alone or in combination simply do not disclose or suggest all of the elements of claim 8, including claim 1 on which claim 8 depends for all the reasons set forth above. Accordingly, applicants respectfully submit that *prima facie* obviousness is not established since the first criteria and the third criteria required to establish *prima facie* obviousness are not satisfied. Accordingly, applicants respectfully submit that the rejection of claim 8 as being unpatentable over Amstutz et al in view of Parnell is defective for failing to establish *prima facie* obviousness of claim 8 and should be withdrawn.

Claims 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amstutz et al alone. The rejection is respectfully traversed. Claim 9 has been amended to positively claim a device in combination with two or more slot tracks and to depend on claim 3. Claim 1 on which claim 3 depends, and upon which claim 9 indirectly depends has been amended as set forth above.

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be some reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure”. *In re Vacek*, 947, F. 2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2142.

For all the reasons set forth above in detail with respect to claim 1, Amstutz et al fails to disclose or suggest a slot track storage system as now set forth in claim 1 as amended. Applicants' arguments regarding Amstutz et al with respect to claims 1-4 and 17 are repeated and incorporated by reference in full with respect to claims 9-15.

With respect to claim 12, applicants respectfully submit that Amstutz et al do not describe how hangers 20 and 22 are attached. However, it is apparent that hanger 22 can not be attached without pivoting the hanger. Further, Amstutz et al discloses that "... brackets 20

and 22 pull outwardly on channel walls 156 and overhang portions 32 ...", see col. 5, lines 12-15. In contrast, brackets according to applicants' invention do not tip out at the top and are arranged to load the slot track in a vertical direction rather than pull outwardly on the channel walls as described by Amstutz et al, see paragraphs [0070] and [0098] of the Specification.

With respect to claim 9 applicants respectfully submit that nothing in Amstutz et al discloses or suggests combining a device removably supported on two or more slot tracks as set forth in claim 9 as amended. Likewise, as set forth above in detail, Amstutz et al fail to disclose or suggest a slot track storage system as set forth in claim 1 as amended.

With respect to claims 10 and 11, applicants respectfully submit that Amstutz et al disclose a slatboard for merchandising displays that include multiple slats and slots that are typically used for a wall display. Nothing in Amstutz et al discloses a slot track storage system as set forth in claims 10 and 11 including claims 1, 3 and 9 on which claims 10 and 11 directly and indirectly depend. Applicants respectfully challenge assertion that "it would be obvious to one of ordinary skill in the art at the time the invention was made (i.e. the examiner takes official notice) to have positioned the elements as such for increased storage capabilities and capacity" without documentary evidence other than the disclosure in applicants' application. See *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970, MPEP §2144.03. Accordingly, applicants respectfully demand that the Examiner provide documentary evidence to support the contention or withdraw the rejection of claims 10 and 11.

With respect to claims 13-15, applicants respectfully submit that claim 9 as amended, upon which claims 13-15 depend directly or indirectly, obviates the rejection of claim 13 under 35 USC 112 as set forth above in detail since claim 9 now positively claims a "device removably supported on the two or more slot tracks ...". Nothing in Amstutz et al discloses or suggests a slot track storage system including a housing, mounting brackets and bolts as set forth in claims 13-15.

The third criteria to establish *prima facie* obviousness is not satisfied since Amstutz et al simply does not disclose or suggest all of the elements of claims 9-15, including claims 1 and 3 on which claim 9 depends for all the reasons set forth above. Accordingly, applicants respectfully submit that *prima facie* obviousness is not established since the third criteria

required to establish *prima facie* obviousness are not satisfied. Accordingly, applicants respectfully submit that the rejection of claims 9-15 as being unpatentable over Amstutz et al is defective for failing to establish *prima facie* obviousness of claims 9-15 and should be withdrawn.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baer as applied to claims 1-3 and 17 above, and further in view of Kreiter. The rejection is respectfully traversed. The limitations of claim 5 have been incorporated in claim 1 and claim 5 has been canceled. Claim 6 has been amended to depend on claim 1.

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be some reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant’s disclosure”. *In re Vacek*, 947, F. 2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2142.

Baer fails to disclose or suggest a slot track storage system set forth in claim 6 and claim 1 on which claim 6 depends for all the reasons set forth above in connection with the rejection of claims 1-3 and 17. Applicants' arguments regarding Baer with respect to claims 1-3 and 17 are repeated and incorporated by reference in full with respect to claim 6. Kreiter fails to disclose or suggest a slot track storage system as set forth in claim 6 and claim 1 on which claim 6 depends for all the reasons set forth above in connection with the rejection of claim 6 over the combination of Amstutz et al and Kreiter. Applicants' arguments regarding Kreiter with respect to claim 6 are repeated and incorporated by reference in full with respect to the rejection of claim 6 over Baer in combination with Kreiter.

The first criteria to establish *prima facie* obviousness is not satisfied since there is no suggestion in Baer or Kreiter to combine the references. Applicants respectfully submit that Baer discloses a generally "C"-shaped clip that has a resilient member that is pivoted into

engagement with a lower groove of a wallboard panel. Kreiter discloses removable slat-wall covers that can be used with display hardware on the slat-wall. Absent applicant's disclosure there is nothing to suggest combining the configuration of Kreiter's removable covers with mounting device disclosed by Baer since Kreiter clearly discloses that display hardware, i.e. a device disclosed by Baer, can be used with Kreiter's removable covers. No modification of Baer is necessary or suggested. Accordingly the combination fails to satisfy the first criteria required to establish *prima facie* obviousness.

The third criteria to establish *prima facie* obviousness is likewise not satisfied since Baer and Kreiter taken alone or in combination simply do not disclose or suggest all of the elements of claim 6, including claim 1 on which claim 6 now depends for all the reasons set forth above. Accordingly, applicants respectfully submit that *prima facie* obviousness is not established since the first criteria and the third criteria required to establish *prima facie* obviousness are not satisfied. Accordingly, applicants respectfully submit that the rejection of claim 6 (as well as claim 1 which now includes the limitations of claim 5 as originally presented) as being unpatentable over Baer in view of Kreiter is defective for failing to establish *prima facie* obviousness of claim 6, as well as claim 1 on which claim 6 now depends, and should be withdrawn.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baer as applied to claims 1-3 and 17 above, and further in view of Parnell. The rejection is respectfully traversed. Claim 8 has been amended and incorporates the limitations of claim 7 on which claim 8 originally depended. Claim 8 now depends on claim 1. Claim 7 has been canceled. Claim 1 on which claim 8 depends has been amended as set forth above.

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be some reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on

applicant's disclosure". *In re Vacek*, 947, F. 2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2142.

Baer fails to disclose or suggest the slot track storage system set forth in claim 8 and claim 1 on which claim 8 depends for all the reasons set forth above in connection with the rejection of claims 1-3 and 17. Applicants' arguments regarding Baer with respect to claims 1-3 and 17 are repeated and incorporated by reference in full with respect to claim 8. Parnell fails to disclose or suggest the slot track storage system set forth in claim 8 and claim 1 on which claim 8 depends for all the reasons set forth above in connection with the rejection of claim 8 over the combination of Amstutz et al and Parnell. Applicants' arguments regarding Parnell with respect to claim 8 above are repeated and incorporated by reference in full with respect to the rejection of claim 8 over Baer in combination with Parnell.

The first criteria to establish *prima facie* obviousness is not satisfied since there is no suggestion in Baer or Parnell to combine the references. Applicants respectfully submit that Baer Applicants respectfully submit that Baer discloses a generally "C"-shaped clip that has a resilient member that is pivoted into engagement with a lower groove of a wallboard panel. Parnell discloses modular panels for a display apparatus that include surfaces to interconnect adjoining panels with joints that are hidden from view. Absent applicant's disclosure there is nothing to suggest combining the configuration of Parnell's modular panels with the slatboard disclosed by Baer since Parnell discloses an alternate structure to the slatboard disclosed by Baer, and accordingly there is no suggestion or teaching to combine the structures since they provide different arrangements to provide the same functionality, namely, a slotwall panel. No modification of Baer is necessary or suggested. Accordingly the combination fails to satisfy the first criteria required to establish *prima facie* obviousness.

The third criteria to establish *prima facie* obviousness is likewise not satisfied since Baer and Parnell taken alone or in combination simply do not disclose or suggest all of the elements of claim 8, including claim 1 on which claim 8 depends for all the reasons set forth above. Accordingly, applicants respectfully submit that *prima facie* obviousness is not established since the first criteria and the third criteria required to establish *prima facie* obviousness are not satisfied. Accordingly, applicants respectfully submit that the rejection of claim 8 as being unpatentable over Baer in view of Parnell is defective for failing to establish *prima facie* obviousness of claim 8 and should be withdrawn.

Claims 9-16 are rejected under 35 U.S.C.103(a) as being unpatentable over Baer alone. The rejection is respectfully traversed. Claim 9 has been amended to positively claim a device in combination with two or more slot tracks and to depend on claim 3. Claim 1 on which claim 3 depends, and upon which claim 9 indirectly depends, has been amended as set forth above.

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be some reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure". *In re Vacek*, 947, F. 2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP § 2142.

Baer fails to disclose or suggest the slot track storage system set forth in claim 9 and claims 1 and 3 on which claim 9 depends for all the reasons set forth above in connection with the rejection of claims 1-3 and 17. Applicants' arguments regarding Baer with respect to claims 1-3 and 17 are repeated and incorporated by reference in full with respect to claims 9-16. In addition, Baer discloses that "To install the clip, the upper hook-shaped member is inserted into the upper of the two parallel adjacent grooves, following which the resilient member is pivoted into engagement with the lower of the two grooves", see col. 2, lines 59-63.

With regard to claim 12 applicants respectfully submit that Baer specifically states that the clip is pivoted into engagement, see col.2, lines 59-63.

With regard to claim 16, while Baer discloses slots 38 and 39, Baer does not disclose or suggest a storage system set forth in claim 16 including claims 1, 3 and 13-15 on which claim 16 directly and indirectly depends. Specifically, Baer does not disclose or suggest "... holes in the housing for the bolts for attaching the top mounting bracket are round for attaching the top mounting bracket in a fixed vertical position, and the holes in the housing

for the at least one additional mounting bracket are slots for vertically adjusting and attaching the at least one additional mounting bracket in a vertical position with the first "J" shaped hook resting on an edge of a slat of vertically spaced slot track", as set forth in claim 16.

With respect to claim 9 applicants respectfully submit that nothing in Baer discloses or suggests combining a device removably supported on two or more slot tracks as set forth in claim 9 as amended. Likewise, as set forth above in detail, Baer fails to disclose or suggest a slot track storage system as set forth in claims 1 and 3 as amended. Applicants respectfully challenge the Examiner's assertion that "it would be obvious to one of ordinary skill in the art at the time the invention was made (i.e. the examiner takes official notice) to have positioned the elements as such for increased securement and stability of the device" without documentary evidence other than the disclosure in applicants' application. See *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970, MPEP §2144.03. Accordingly, applicants respectfully demand that the Examiner provide documentary evidence to support the contention or withdraw the rejection of claim 9 over Baer.

With respect to claims 10 and 11, applicants respectfully submit that Baer discloses a generally "C"-shaped clip that has a resilient member that is pivoted into engagement with a lower groove of a wallboard panel. Nothing in Baer discloses a slot track storage system as set forth in claims 10 and 11 including claims 1, 3 and 9 on which claims 10 and 11 directly and indirectly depend. Applicants respectfully challenge the Examiner's assertion that "it would be obvious to one of ordinary skill in the art at the time the invention was made (i.e. the examiner takes official notice) to have positioned the elements as such for increased storage capabilities and capacity" without documentary evidence other than the disclosure in applicants' application. See *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970, MPEP §2144.03. Accordingly, applicants respectfully demand that the Examiner provide documentary evidence to support the contention or withdraw the rejection of claims 10 and 11.

With respect to claims 13-15, applicants respectfully submit that claim 9 as amended, upon which claims 13-15 depend directly or indirectly, obviates the rejection of claim 13 under 35 USC 112 as set forth above in detail since claim 9 now positively claims a "device removably supported on the two or more slot tracks ...". With respect to claims 13-15, applicants respectfully submit that Baer discloses a generally "C"-shaped clip that has a

resilient member that is pivoted into engagement with a lower groove of a wallboard panel. Nothing in Baer discloses a slot track storage system as set forth in claims 13-15 including claims 1, 3 and 9 on which claims 13-15 directly and indirectly depend. Applicants respectfully challenge the Examiner's assertion that "it would be obvious to one of ordinary skill in the art at the time the invention was made (i.e. the examiner takes official notice) to have positioned the elements as such for increased storage capabilities and capacity and for increased securement and stability of the device" without documentary evidence other than the disclosure in applicants' application. See *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970, MPEP §2144.03. Accordingly, applicants respectfully demand that the Examiner provide documentary evidence to support the contention or withdraw the rejection of claims 13-15.

With regard to claim 16, applicants respectfully submit that nothing in Baer discloses or suggests "... holes in the housing for the bolts for attaching the top mounting bracket are round for attaching the top mounting bracket in a fixed vertical position, and the holes in the housing for the at least one additional mounting bracket are slots for vertically adjusting and attaching the at least one additional mounting bracket in a vertical position with the first "J" shaped hook resting on an edge of a slat of vertically spaced slot track", as set forth in claim 16 absent applicants' disclosure.

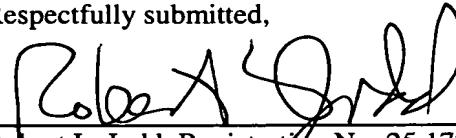
The third criteria to establish *prima facie* obviousness is not satisfied since Baer simply does not disclose or suggest all of the elements of claims 9-16, including claims 1 and 3 on which claim 9 depends for all the reasons set forth above. Accordingly, applicants respectfully submit that *prima facie* obviousness is not established since the third criteria required to establish *prima facie* obviousness is not satisfied. Accordingly, applicants respectfully submit that the rejection of claims 9-16 as being unpatentable over Baer is defective for failing to establish *prima facie* obviousness of claims 9-16 and should be withdrawn.

Early and favorable action on this application is respectfully requested.

Dated: August 16, 2006

WHIRLPOOL PATENTS COMPANY  
500 Renaissance Drive – Ste. 102 MD750  
St. Joseph, Michigan 49085

Respectfully submitted,



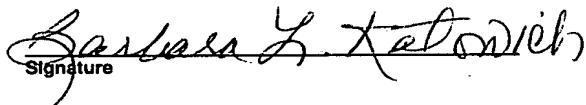
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Date: August 16, 2006

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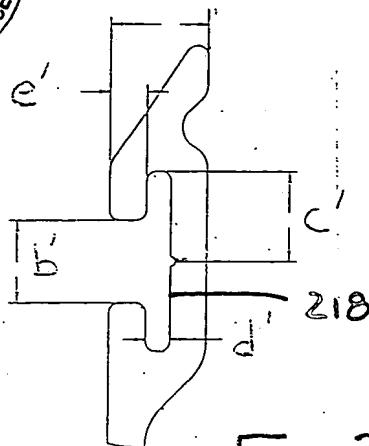


FIG. 31

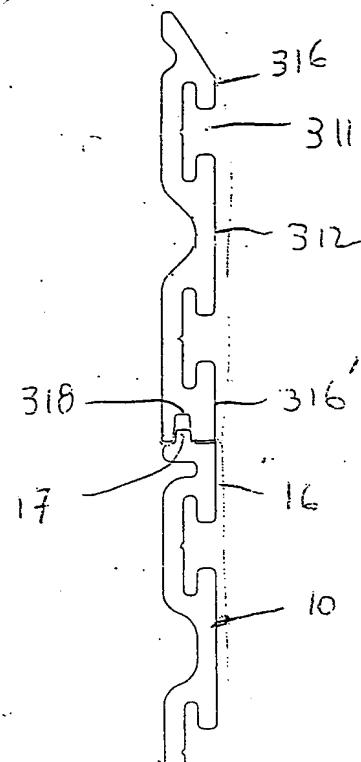


FIG. 32

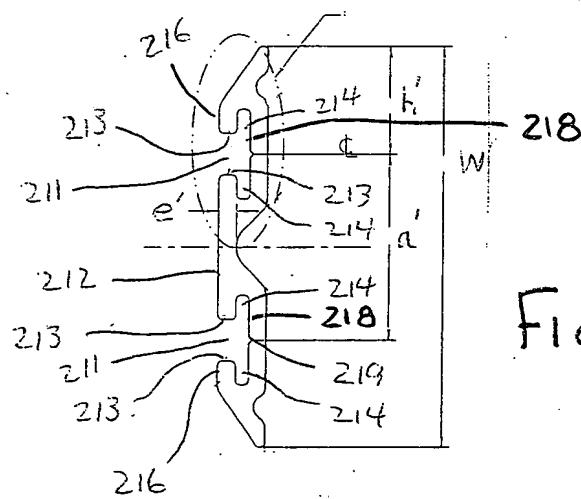


FIG. 30

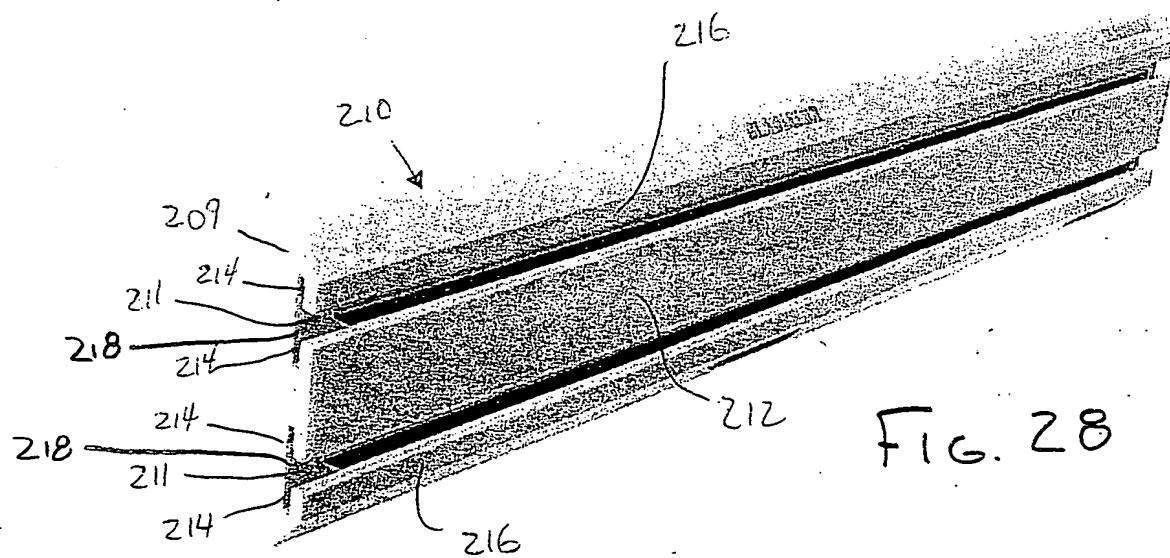


FIG. 28

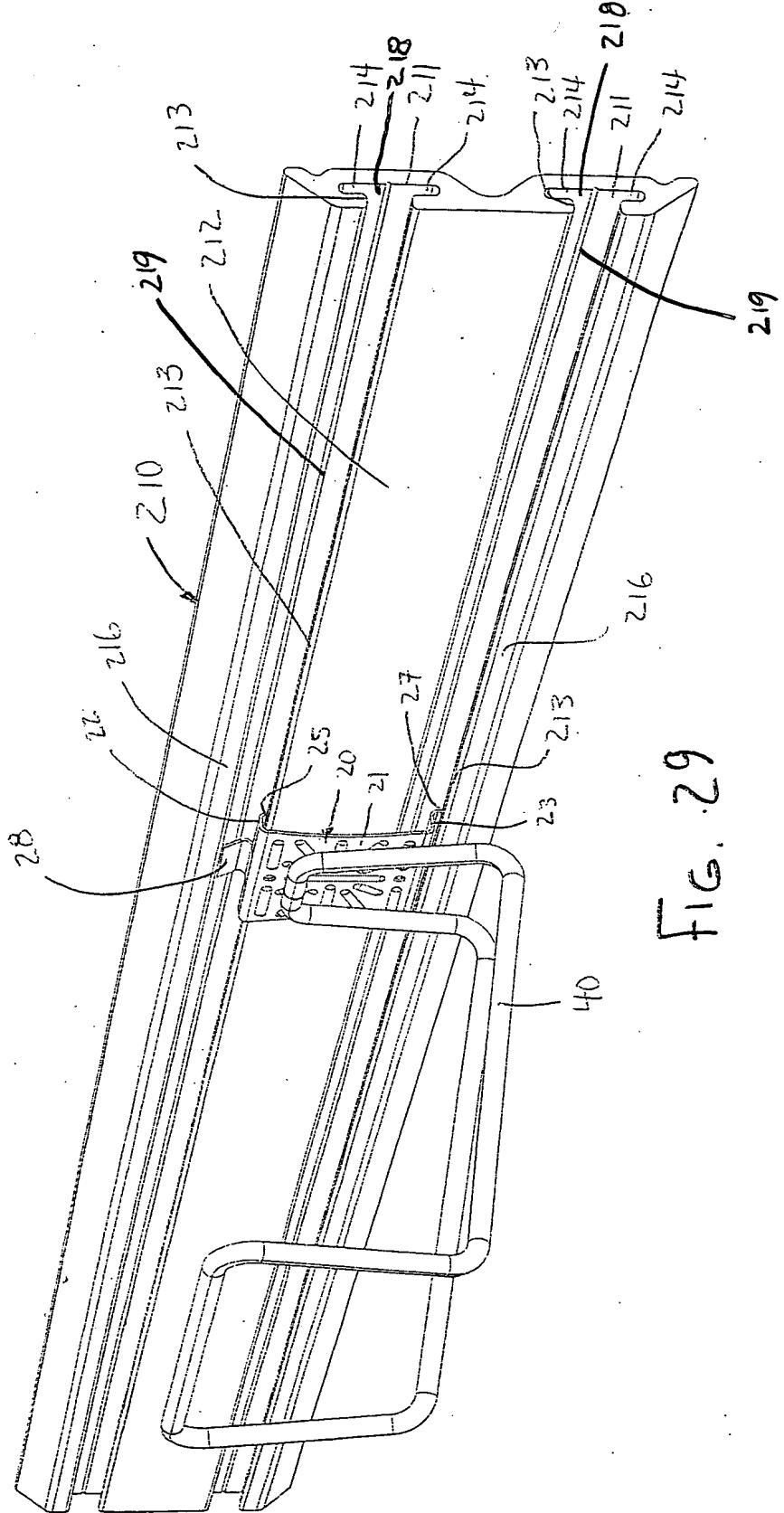


FIG. 29